



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

MAR 5 2013

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

C T Corporation System  
Registered Agent for  
WHEMCO Ohio Foundry, Inc.  
1300 E. 9<sup>th</sup> Street  
Cleveland, Ohio 44114

Dear Sir or Madam:

This is to advise you that the U.S. Environmental Protection Agency has determined that WHEMCO Ohio Foundry, Inc. (WHEMCO or you) is in violation of the Clean Air Act (CAA) and associated state pollution control requirements at its facility located at 1600 McLain Road, Lima, Ohio (facility). We are issuing WHEMCO a Notice of Violation and Finding of Violation (NOV/FOV) for these violations.

The CAA requires the development of Primary and Secondary National Ambient Air Quality Standards to protect public health welfare. To attain and maintain these standards, each state is required to develop an implementation plan. Ohio's State Implementation Plan (SIP) requires you to take reasonably available control measures to prevent particulate matter, including metal hazardous air pollutants, from becoming airborne and being emitted from the facility. Particulate emissions, in particular fine particulate, contribute to respiratory problems, lung damage and premature deaths.

The CAA also requires the development of standards for emissions of hazardous air pollutants (HAPs), called National Emission Standards for Hazardous Air Pollutants (NESHAPs). The purpose of NESHAPs is to reduce HAPs, including certain metals, which pose a threat to human health. The NESHAP for Iron and Steel Foundries Area Sources, 40 C.F.R. Part 63, Subpart ZZZZZ, sets forth requirements to minimize emissions of HAPs.

EPA finds that the WHEMCO facility is violating the following:

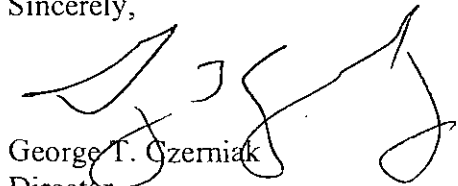
1. Ohio SIP requirements: In violating the Ohio SIP requirements you are also violating Title I of the CAA and its implementing regulations, which require compliance with the terms and conditions of the Ohio SIP.
2. Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3) and the NESHAP for Iron and Steel Foundries Area Sources, 40 C.F.R. Part 63, Subpart ZZZZZ.

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action and bringing a judicial criminal action.

We are offering you the opportunity to request a conference with us about the violations alleged in the NOV/FOV. A conference should be requested within 10 days following receipt of this notice. A conference should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Gregory Gehrig. You may call him at 312.886.4434 if you wish to request a conference. If he is not available, you may also call Michele Jencius at 312.353.1377. EPA hopes that this NOV/FOV will encourage WHEMCO's compliance with the requirements of the CAA.

Sincerely,



George T. Czerniak  
Director  
Air and Radiation Division

Enclosure

cc: Chris Coholich  
Environmental Manager  
WHEMCO Ohio Foundry, Inc.  
5 Hot Metal Street, Suite 300  
Pittsburgh, PA 15203-2351

Mark Budge  
Ohio EPA NW District  
Division of Air Pollution Control  
347 N. Dunbridge Road  
Bowling Green, Ohio 43402

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

WHEMCO - Ohio Foundry, Inc.  
Lima, Ohio

Proceedings Pursuant to  
the Clean Air Act  
42 U.S.C. §§ 7401 et seq.

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**NOTICE OF VIOLATION AND  
FINDING OF VIOLATION**

**EPA-5-13-OH-01**

**NOTICE AND FINDING OF VIOLATION**

WHEMCO Ohio Foundry, Inc. (you or WHEMCO) owns and operates a grey and ductile iron foundry at 1600 McLain Street, Lima, Ohio (facility).

The U.S. Environmental Protection Agency (EPA) is sending this Notice of Violation and Finding of Violation (NOV/FOV or Notice) under Section 113 of the Clean Air Act (CAA) 42 U.S.C. § 7413 to notify you that we have found violations of the following: the Ohio State Implementation Plan (Ohio SIP); and the National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources (Foundry NESHAP), 40 C.F.R. Part 63, Subpart ZZZZZ, in violation of Section 112 of the CAA, 42 U.S.C. § 7412.

**Explanation of Violations**

1. The Ohio SIP rules relevant to this NOV/FOV are as follows:
  - a. Section 110 of the CAA, 42 U.S.C. § 7410, requires each state to adopt and submit to EPA a plan that provides for the implementation, maintenance, and enforcement of primary and secondary National Ambient Air Quality Standards in the state. Upon approval by EPA, the plan becomes part of the applicable State Implementation Plan (SIP) for the state.
  - b. Ohio Administrative Code (OAC) 3745-31-02 (A) prohibits the installation, modification or operation of a source of air pollution without first obtaining a Permit-to-Install (PTI) from the Ohio EPA. On March 10, 2003, EPA approved OAC 3745-31-02 as part of the federally enforceable SIP for Ohio. *See* 68 Fed. Reg. 2909.
  - c. OAC 3745-17-11(B)(1) limits the amount of particulate matter that may be emitted by a source per either Table 1 or Figure 2 of this rule. On November 8, 2006, EPA approved OAC 3745-17-11 as part of the federally enforceable SIP for Ohio. *See* 71 Fed. Reg. 65417.

2. The Foundry NESHAP rules relevant to this NOV/FOV are as follows:

- a. Pursuant to Section 112(b) of the CAA, 42 U.S.C. § 7412(b), EPA designates hazardous air pollutants (HAPs) which present or may present a threat of adverse effects to human health or the environment.
- b. Section 112(c) of the CAA, 42 U.S.C. § 7412(c), requires EPA to publish a list of categories of sources which EPA finds present a threat of adverse effects to human health or the environment due to emissions of HAPs, and to promulgate emission standards for each source category. These standards are known as “national emission standards for hazardous air pollutants,” or “NESHAPs.” EPA codifies these requirements at 40 C.F.R. Parts 61 and 63.
- c. The NESHAPs are national technology-based performance standards for HAPs sources in each category that become effective on a specified date. The purpose of these standards is to ensure that all sources achieve the maximum degree of reduction in emissions of HAPs that EPA determines is achievable for each source category.
- d. Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3), and 40 C.F.R. §§ 61.05 and 63.4, prohibit the owner or operator of any source from operating such source in violation of any NESHAP applicable to such source.
- e. On January 2, 2008, EPA promulgated the NESHAP for Iron and Steel Foundries at 40 C.F.R. Part 63, Subpart ZZZZZ (the Foundry NESHAP). *See* 73 Fed. Reg. 252.
- f. The Foundry NESHAP applies to any person who owns or operates an iron or steel foundry that is an area source of HAP emissions. 40 C.F.R. § 63.10880(a).
- g. An affected source is existing if it was constructed or reconstructed before September 17, 2007. 40 C.F.R. § 63.10880(b)(1).
- h. Pursuant to 40 C.F.R. § 63.10880(f), if an affected source’s metal melt production for calendar year 2008 was greater than 20,000 tons, the area source is a large foundry.
- i. 40 C.F.R. § 63.10885(a) requires a facility to prepare and operate according to written material specifications after January 2, 2009.
- j. 40 C.F.R. § 63.10899(b)(1) requires a facility to maintain records demonstrating compliance with the specifications in 40 C.F.R. § 63.10885(a) after January 2, 2009.
- k. 40 C.F.R. § 63.10885(b) requires a facility to procure motor vehicle scrap pursuant to one of four compliance options after January 4, 2010.

- l. After January 4, 2010, 40 C.F.R. § 63.10899(b)(2) and/or (3) require a facility to maintain records demonstrating compliance with the compliance option selected from the choices in 40 C.F.R. § 63.10885(b).
- m. After January 2, 2011, 40 C.F.R. § 63.10895(b) requires that you operate a capture and collection system for each metal melting furnace at a existing large iron and steel foundry unless that furnace is specifically controlled as part of an emissions averaging group.
- n. After January 2, 2011, 40 C.F.R. § 63.10895(c)(1) prohibits an existing source from discharging more than 0.8 pounds (lbs) of particulate matter (PM) or 0.06 lbs of total metal HAPs per ton of metal charged.
- o. After January 2, 2011, 40 C.F.R. § 63.10896 requires you to prepare and operate at all times according to a written operation and maintenance plan for each control device. 40 C.F.R. § 63.10896 also identifies the information that should be included in the operation and maintenance plan.
- p. After March 3, 2011, 40 C.F.R. § 63.10897(a) requires you to conduct an initial inspection of each PM control device for a metal melting furnace at an existing affected source.
- q. After March 3, 2011, 40 C.F.R. § 63.10897(e) requires you to make monthly inspections of the equipment that is important to the performance of the total capture system.
- r. After July 1, 2011, 40 C.F.R. § 63.10898 requires you to conduct a performance test to demonstrate initial compliance with applicable PM and/or metal HAP and opacity emission limits.
- s. 40 C.F.R. § 63.10898(i) requires the facility to conduct subsequent opacity testing every six months since an initial opacity test.
- t. After January 2, 2009, 40 C.F.R. § 63.10899(d) requires that you submit written notification to the Administrator of the initial classification of your affected source as a large iron and steel foundry and for any subsequent reclassification as required in § 63.10881(d) or (e).
- u. 40 C.F.R. § 63.10900(b) and Table 4 requires the submittal of the following notifications for existing sources:
  - i. Initial notification by May 1, 2008;
  - ii. Notification of Compliance – Metallic Scrap Management/Binder Formulation by February 1, 2009; and,
  - iii. Notification of Compliance – Mercury Requirements by February 3, 2010.

3. Based on an EPA inspection of WHEMCO on March 13, 2012, and a review of documents submitted to EPA and/or the Ohio EPA, we have identified the following violations:
- a. The Ohio SIP violations are:
    - i. Since February 1, 2008, WHEMCO has installed, modified and operated sources of air pollution without first obtaining a PTIO from the Ohio EPA in violation of OAC 3745-31-02(A); and
    - ii. Since February 1, 2008, WHEMCO has emitted PM in excess of limits established in OAC 3745-17-11 for the following sources at the facility:
      - a. The metal melting in the 5 electric induction furnaces (EIFs);
      - b. The metal pouring, casting and cooling; and,
      - c. The hand-operated sand knockout process.
  - b. The Foundry NESHAP violations are:
    - i. Since January 2, 2009, the facility has failed to prepare and operate according to written general material acceptance specifications as required by 40 C.F.R. § 63.10885(a);
    - ii. Since January 2, 2009, the facility has failed to maintain records demonstrating compliance with the specifications in 40 C.F.R. § 63.10885(a), as required by 40 C.F.R. § 63.10899(b)(1);
    - iii. Since January 4, 2010, the facility has failed to comply with one of four mercury management practices as required by 40 C.F.R. § 63.10885(b);
    - iv. Since January 4, 2010, the facility has failed to maintain records demonstrating compliance with 40 C.F.R. § 63.10885(b) as required by 40 C.F.R. § 63.10899(b)(2) and/or (3);
    - v. Since January 2, 2011, the facility has failed to control each furnace by a PM capture and collection system as required by 40 C.F.R. § 63.10895(b);
    - vi. Since January 2, 2011, the facility has failed to comply with an emission limit of 0.8 lbs of PM per ton of metal charged as required by 40 C.F.R. § 63.10895(c);
    - vii. Since January 2, 2011, the facility has failed to install PM capture and collection systems on all metal melt furnaces, and therefore has failed to meet operation and maintenance requirements as required by 40 C.F.R. § 63.10896;

- viii. Since March 3, 2011, the facility has failed to install PM capture and collection systems on all metal melt furnaces, and therefore, has failed to meet monitoring requirements for PM capture and collection systems, including metal melt furnaces as required by 40 C.F.R. § 63.10897(a) and (e);
- ix. Since July 1, 2011, the facility has failed to demonstrate compliance with applicable PM and/or metal HAP and opacity emission limits as required by 40 C.F.R. § 63.10898;
- x. Since January 1, 2012, the facility has failed to conduct subsequent opacity testing every six months since an initial opacity test as required by 40 C.F.R. § 63.10898(i);
- xi. Since January 2, 2009, the facility has failed to submit a Notification of Size Classification as required by 40 C.F.R. § 63.10899(d); and
- xii. The facility has failed to submit the following notifications required by 40 C.F.R. § 63.10900(b) and Table 4:
  - (1) Initial notification by May 1, 2008;
  - (2) Notification of Compliance – Metallic Scrap Management/Binder Formulation by February 1, 2009; and,
  - (3) Notification of Compliance – Mercury Requirements by February 3, 2010.

#### Environmental Impact of Violations

- 4. Violation of the opacity and particulate standards increases public exposure to unhealthy PM. PM, especially fine particulate, contributes to respiratory problems, lung damage and premature deaths.
- 5. Violation of the Foundry NESHAP standards increases public exposure to metal HAPs, including manganese compounds. Chronic (long-term) exposure to high levels of manganese by inhalation in humans may result in central nervous system effects. Visual reaction time, hand steadiness, and eye-hand coordination can be affected in chronically-exposed workers.

Date

3/5/13

George T. Czerniak

Director

Air and Radiation Division

## CERTIFICATE OF MAILING

I, Loretta Shafer, certify that I sent a Notice of Violation and Finding of Violation, No. EPA-5-13-OH-01, by Certified Mail, Return Receipt Requested, to:

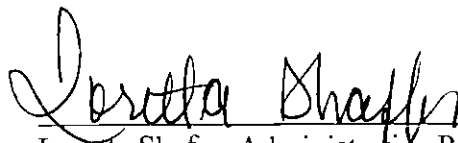
C T Corporation System  
Registered Agent for  
WHEMCO Ohio Foundry, Inc.  
1300 E. 9<sup>th</sup> Street  
Cleveland, Ohio 44114

I also certify that I sent copies of ~~the~~ Notice of Violation and Finding of Violation by first-class mail to:

Chris Coholich  
Environmental Manager  
WHEMCO - Ohio Foundry, Inc.  
5 Hot Metal Street, Suite 300  
Pittsburgh, Pennsylvania 15203-2351

Mark Budge  
Ohio EPA NW District  
Division of Air Pollution Control  
347 N. Dunbridge Road  
Bowling Green, Ohio 43402

On the 6 day of March 2013.



Loretta Shafer, Administrative Program Assistant

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7674 1132